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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,814	01/23/2002	Carroll W. Creswell	003493.00291	3188

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EXAMINER

PHUONG, DAI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,814	<b>Applicant(s)</b> CRESWELL ET AL.	
	<b>Examiner</b> Dai A. Phuong	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 10/13/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 14-15 and 17-28 have been canceled. Claims 1-13 and 16 are currently pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5, 9-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (U.S. 6373930) in view of Lesley (U.S. 6188752).

Regarding claim 1, McConnell et al. disclose a system for automated interactive management of a communication service account (fig. 4 and fig. 5, col. 10, line 43 to col. 14, line 47. Specifically, McConnell et al. disclose most MSCs can be programmed to recognize service codes that represent service requests and to take a designated action in response and also MSC 110 is programmed with an account balance service code), said account having parameters establishing rules of use, comprising:

a server 110 (fig. 4, col. 14, lines 1-47. Specifically, McConnell et al. disclose a MSC 110 is programmed with an account balance service code); and

a data storage device 124 in communication with the server (fig. 4 and fig. 5, col. 12, lines 13-44. Specifically, McConnell et al. disclose the SCP 124 typically includes a number of

logic modules, which may be stored in a memory (not shown) and executed by a processor (not shown). Exemplary SCP 124 includes a base service logic module 230. Base service logic module 230 includes functionality for decoding and encoding TCAP messages received from and sent to MSC 110 via STP network 116), the data storage device comprising **account data** that comprises the parameters establishing rules of use of at least one subscribed communication service, where said at least one subscribed communication service is accessible by a user device (fig. 4 and fig. 5, col. 12, lines 13-44. Specifically, McConnell et al. disclose base service logic module 230 has access to a customer service profile database 232, which contains the service profiles of mobile stations currently being served. Each mobile station may have a service profile that identifies (1) the mobile station by identification number ("MSID") or other indicia, (2) what IN services the mobile station subscribes to (e.g., call forwarding, abbreviated dialing, account balance, etc.), and (3) what service logic module to run for each service),

wherein the server is configured to receive a customer-initiated signal requesting modification of a first account parameter from said parameters and to modify the first account parameter in response to the customer-initiated signal (fig. 4, col. 14, lines 1-29. Specifically, McConnell et al. disclose in response to the dialed digits \*65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly).

However, McConnell et al. do not disclose wherein the server is further configured to update the first account parameter based up on use of the at least one subscribed communication service by the user device, and the server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to

a second predetermined value, wherein the at least one subscribed communication service is wireless telephone service, the user device is a wireless telephone, the first account parameter is a number of calling plan minutes, the server is configured to update the number of calling plan minutes based upon the user device placing wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold, and the second predetermined value is larger than the first predetermined value.

In the same field of endeavor, wherein the server is further configured to update the first account parameter based up on use of the at least one subscribed communication service by the user device, and the server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to a second predetermined value (fig. 1, col. 8, line 1 to col. 9, line 5), wherein the at least one subscribed communication service is wireless telephone service (fig. 1, col. 4, line 13 to col. 6, line 42), the user device is a wireless telephone (fig. 1, col. 4, line 13 to col. 6, line 42), the first account parameter is a number of calling plan minutes fig. 1, col. 8, line 1 to col. 9, line 5), the server is configured to update the number of calling plan minutes based upon the user device placing wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold fig. 1, col. 8, line 1 to col. 9, line 5), and the second predetermined value is larger than the first predetermined value fig. 1, col. 8, line 1 to col. 9, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telecommunication device of McConnell et al. by specifically including wherein the server is further configured to update the first account parameter based up on use of the at least one subscribed communication service by the user device, and the

server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to a second predetermined value, wherein the at least one subscribed communication service is wireless telephone service, the user device is a wireless telephone, the first account parameter is a number of calling plan minutes, the server is configured to update the number of calling plan minutes based upon the user device placing wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold, and the second predetermined value is larger than the first predetermined value, as taught by Lesley, the motivation being in order to avoid inconvenience of carrying multiple cards that also may be stolen or lost. Additionally, it eliminates that need for a customer to have to obtain a new or renewed card for continued user of prepaid services.

Regarding claim 2, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the customer-initiated signal is initiated on the user device (fig. 4, col. 14, lines 1-29), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12).

Regarding claim 5, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is long distance telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the customer-initiated signal is initiated on the user device (fig. 4, col. 14, lines 1-29), and the first account parameter is a number of calling plan minutes col. 14, line 61 to col. 15 line 12).

Regarding claim 9, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the server is further configured to receive a customer-initiated identifying signal identifying the user device, to retrieve the first account parameter in response to the identifying signal, and to issue, in response to the identifying signal (col. 14, lines 1-60) and for communication to the customer, a response signal comprising at least part of the first account parameter (col. 18, lines 14-59).

Regarding claim 10, the combination of McConnell et al. and Lesley disclose all the limitation in claim 9. Further, McConnell et al. disclose the system wherein the server is further configured to identify the type of user device (col. 14, lines 1-60), and to issue the response signal in a form optimized for the user device (col. 18, lines 14-59).

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, the combination of McConnell et al. and Lesley disclose all the limitation in claim 14. Further, McConnell et al. disclose the system wherein the server is further configured, upon receipt of a customer-initiated cancellation signal, to not automatically reset the first account parameter to a second predetermined value (col. 18, line 15 to col. 20, line 65).

4. Claims 3-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (U.S. 6373930) in view of Lesley (U.S. 6188752) and further in view of Resnick et al. (Pub. No: 20010001321).

Regarding claim 3, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one

subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12). However, the combination of McConnell et al. and Lesley do not disclose the customer-initiated signal is initiated on a device that is not the user device.

In the same field of endeavor, Koch et al. disclose the customer-initiated signal is initiated on a device that is not the user device ([0023] and [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of the combination of McConnell et al. and Lesley by specifically including the customer-initiated signal is initiated on a device that is not the user device, as taught by Resnick et al., the motivation being in order to provide a stored value intermediary account to implement a centralized payment system.

Regarding claim 4, the combination of McConnell et al. and Lesley and Resnick et al. disclose all the limitation in claim 3. Further, Resnick et al. disclose the system wherein the customer-initiated signal is initiated on a personal computer ([0026]).

Regarding claim 6, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12). However, McConnell et al. do not disclose the customer-initiated signal is initiated on a device that is not the user device.

In the same field of endeavor, Koch et al. disclose the customer-initiated signal is initiated on a device that is not the user device ([0023] and [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of the combination of McConnell et al. and Lesley by specifically including the customer-initiated signal is initiated on a device that is not the user device, as taught by Resnick et al., the motivation being in order to provide a stored value intermediary account to implement a centralized payment system.

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 4.

5. Claims 8 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (U.S. 6373930) in view of Lesley (U.S. 6188752) and further in view of Burton et al. (Pub. No: 20020055878).

Regarding claim 8, the combination of McConnell et al. and Lesley disclose all the limitation in claim 1. However, the combination of McConnell et al. and Lesley do not disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone.

In the same field of endeavor, Burton et al. disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone ([0107]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of the combination of McConnell et al. and

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Lesley by specifically including the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone, as taught by Resnick et al., the motivation being in order to provide on-line ordering service to purchasers.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 8.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myatt et al. (Pub. No: 20030101135) real-time reservations of charges for pre-card

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 12-04-2006

  
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